

22776. Adulteration and misbranding of evaporated apples. U. S. v. 23 Boxes, et al., of Evaporated Apples. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. nos. 32690, 32834. Sample nos. 41374-A, 41375-A, 41426-A, 56570-A, 56571-A, 56572-A.)

These cases involved shipments of several lots of evaporated apples. All lots were found to be short weight; portions contained excessive moisture; one lot was falsely labeled as to the name of the manufacturer and place of manufacture.

On May 8 and June 12, 1934, the United States attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 162 boxes and 22 cartons of evaporated apples at Duluth, Minn., alleging that the article had been shipped in interstate commerce on or about March 2 and April 24, 1934 by the A. B. Williams Fruit Co., from Sodus, N. Y., and charging adulteration and misbranding of a portion and misbranding of the remainder in violation of the Food and Drugs Act as amended. A portion of the article was labeled: "Queen Quality Choice Evaporated Ring Apples A. B. Williams Fruit Co. Sodus * * * N Y * * * Weight 10 Lbs." The remainder was labeled: "Hiawatha [or "Nokomis Brand"] Fancy Evaporated Apples Packed for [or "Packed By"] Stone-Ordean-Wells Co Duluth Minn Five Pounds Net Weight [or "One Pound Net When Packed"]."

It was alleged that a portion of the article was adulterated in that a product containing excessive water had been substituted for evaporated apples, which the article purported to be.

Misbranding of all lots was alleged for the reason that the statements "Weight 10 Lbs.", "Five Pounds Net Weight", "One Pound Net When Packed" and (one lot) "Packed by Stone-Ordean-Wells Co., Duluth, Minn.", were false and misleading and tended to deceive and mislead the purchaser since all lots were short of the declared weight and the A. B. Williams Fruit Co., of Sodus, N. Y., was the packer of the lot labeled "Packed by Stone-Ordean-Wells Co., Duluth, Minn." Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On July 17, 1934, the Stone-Ordean-Wells Co., Duluth, Minn., having appeared as claimant for the property and having admitted the allegation of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$1,000, conditioned that it be reconditioned and relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

22777. Adulteration of dried grapes. U. S. v. 15 Boxes of Dried Grapes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32698. Sample no. 53092-A.)

This case involved a shipment of dried grapes that were insect-infested and filthy.

On May 9, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of dried grapes at Portland, Oreg., alleging that the article had been shipped in interstate commerce, on or about April 26, 1934, by the Enoch Packing Co., from Del Rey, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Airport Brand Zinfandel Raisins Packed by Enoch Packing Co. Del Rey, Calif."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On June 7, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22778. Adulteration and misbranding of potatoes. U. S. v. 2,400 Sacks of Potatoes. Default decree of condemnation and forfeiture. Product delivered to local hospital. (F. & D. no. 32485. Sample no. 65061-A.)

This case involved a shipment of potatoes represented to be U. S. grade No. 1, but which fell below the grade indicated on the label because of excessive grade defects.

On April 3, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,400 sacks of potatoes at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 22, 1934, by the Shattuck Irrigating Co., from Idaho Falls, Idaho, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Selected U. S. Number One Idaho Russet Potatoes, Shattuck Brand Idaho Falls."

It was alleged in the libel that the article was adulterated in that potatoes below the grade indicated on the label had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that the statement "U. S. Number One", borne on the label, was false and misleading and deceived and misled the purchaser.

On June 27, 1934, no answer having been filed by the claimant, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a local veterans' hospital.

M. L. WILSON, *Acting Secretary of Agriculture.*

22779. Misbranding of Easy Serve for Hot Chocolate. U. S. v. 1 Drum and 1 Drum of Easy Serve for Hot Chocolate. Default decree of condemnation and forfeiture. Product delivered to charitable organizations. (F. & D. no. 32700. Sample nos. 67954-A, 67955-A.)

This case involved a product labeled to convey the impression that it contained chocolate, but which contained no chocolate, examination showing that it consisted of a finely powdered mixture of sugar, skim milk, and cocoa, with flavor of malt.

On May 15, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two drums of Easy Serve for Hot Chocolate at Scranton, Pa., alleging that the article had been shipped in interstate commerce, on or about February 12 and April 12, 1934, by Smith & Wood, from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Easy Serve for Hot Chocolate Made by Smith & Wood, * * * New York, N. Y."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Chocolate", was false and misleading and tended to deceive and mislead the purchaser, since it contained no chocolate.

On June 30, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to charitable or relief organizations, for use and not for sale.

M. L. WILSON, *Acting Secretary of Agriculture.*

22780. Adulteration of apple butter. U. S. v. 1,123 Cases of Apple Butter. Consent decree of condemnation, forfeiture, and destruction. (F. & D. no. 32701. Sample no. 58625-A.)

This case involved a shipment of apple butter that contained lead.

On May 10, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,123 cases of apple butter at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about March 9, 1934, by the American Stores Co., from Hurlock, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Glenwood Brand Apple Butter * * * Distributed by American Stores Co., Philadelphia."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it harmful to health.

On June 14, 1934, the sole intervenor having consented to the destruction of the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*